



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,679	01/24/2002	Frank J. Graczyk	47176-00687	9991
30223	7590	06/14/2005	EXAMINER	
JENKENS & GILCHRIST, P.C. 225 WEST WASHINGTON SUITE 2600 CHICAGO, IL 60606			LEE, BENNY T	
			ART UNIT	PAPER NUMBER
			2817	

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address : COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
---------------	-------------	----------------------	---------------------

EXAMINER

ART UNIT	PAPER NUMBER
----------	--------------

DATE MAILED:

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 6 April 2005 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire Three (3) month(s), 22 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1, 3-14, 16, 17, 19-56 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☒ Claims 14, 16, 51-55, 56 are allowed.
4. ☒ Claims 1, 3-8; 9, 10, 13, 17, 19-24; 25-36; 37-50 are rejected.
5. ☒ Claims 11, 12 are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☒ The proposed additional or substitute sheet(s) of drawings, filed on 6 April 2005, has (have) been ☒ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

SN 56679

EXAMINER'S ACTION

Art Unit: 2817

Applicants' are advised that pending claim 56 has been omitted from the current listing of claims.

Claims 1, 3-8; 17, 19-24; 25-36; 37-50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1, 17, note that the recitation of "said flange coupling interface" (i.e. a part of the adaptor) being "configured to mate with any standard flange interfaces" does not appear to be consistent with the earlier recitation where "a flange side interface" (of the adaptor) is "adapted to mate with a particular standard flange interface". Clarification is needed.

In claim 25, note that it is unclear whether the recitation "selected ones of said waveguide flanges" is a proper characterization in that such a recitation connotes that some (i.e. "selected ones") but not all of the "waveguide flanges" can be associated with the attributes recited in the claim.

In claims 27, 28, 31, 35, 36, 37, 38, 40, 41, 44, 49, 50, note that "said (at least) one of a plurality of waveguide flanges" lacks strict antecedent basis since no specific "one" of the "plurality of waveguide flanges" has been previously defined. Clarification is needed.

In claim 40, note that "said generally rectangular waveguide" lacks strict antecedent basis.

The following claim has been found objectionable for reasons set forth below:

In claim 1, line 8; claim 2; claim 5; claim 17, line 9: note that --selected-- should precede "flange" for consistency of description.

In claim 7, line 1, should --each-- precede "flange" for clarity of description?

Art Unit: 2817

In claims 7, 23, note that --thereof-- should follow “adaptor side” for clarity of description.

In claim 14, line 3, should --one of said-- precede “standard” for clarity of description?

In claim 25, lines 7 & 8, note that --of each one of said plurality of waveguide flanges-- is suggested for clarity of description.

In claim 43, line 3, note that “formed” should be rewritten as --disposed-- such as to be consistent with like changes made in other claims.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 9, 10, 13; 25-27, 29-33, 35, 36; 37-40, 42-47, 49, 50 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Floyd, Jr (of record) for reasons of record.

Claims 28; 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Floyd, Jr in view of Saad ('959), both of record for reasons of record.

Applicant's arguments filed 6 April 2005 have been fully considered but they are not persuasive.

Applicants' have argued that Floyd, Jr fails to disclose “a plurality of different flange members or a clamping member that has a flange coupling interface configured to mate with any different standard flange interface”. Moreover, it has been emphasized that the “single flange” is “chosen from a library of different flanges” as positively recited in claims 1, 17 and that the single flange in Floyd, Jr fails to meet such a limitation. Additionally, it has been argued that the single flange in Floyd, Jr does not constitute a “flange coupling interface” of the “adaptor” and the single flange can not be “configured to mate with any of the standard flange interfaces in the

Art Unit: 2817

library” (i.e. the single flange in Floyd, Jr is not capable of mating with different flanges), even in the “final product” of the respective apparatus claims 1, 17, 37. Furthermore, with respect to claims 25, 51, 37 & 9, it has been argued that the single flange in Floyd, Jr fail to disclose any “common internal mating configuration” since it only pertains to a single flange. Furthermore, with respect to the obviousness combination of Floyd, Jr and Saad, it has been argued that the limitation of “the outer surface is adapted to engage said generally common internal mating configuration of said waveguide flanges” has not been met by Floyd, Jr and that Saad does not make up for the deficiencies in Floyd, Jr.

Contrary to applicants’ assertion, it should be noted that Floyd, Jr does indeed meet the limitations recited in the above noted claims. Note that the above claims generally refer to the “adaptor” (e.g. cls 9, 37) rather than the “system” (e.g. cl 1), which is found to be distinguishing over Floyd, Jr. Contrary to applicants’ assertion, note that the claimed invention, as recited, does not require the adaptor of the final product to be “configured to mate with a plurality of flanges”. Rather, the claimed recitation requires the “coupling flange interface” (i.e. adaptor) to be “configured to mate with any of a plurality of flange interfaces”. Note that the critical limitation of this recitation is “... any of a plurality”, which has been construed by the examiner as meaning --any one -- of the “plurality of flange interfaces”. Accordingly, in that sense, the single flange interface adaptor disclosed by Floyd, Jr properly meets the “any (one)” limitation recited, since the particular flange used in the final product does indeed “configure to mate” with a particular one flange or “any” one of the “plurality of flange interfaces”, thereby meeting this aspect of the claimed invention. With respect to the “common internal mating configuration” (e.g. cl 9), such a configuration is inherently present with respect to what ever flange is attached to the adapter. As

Art Unit: 2817

pointed out above, it is again emphasized that in the final product, the selected flange, as disclosed in Floyd, Jr, is clearly shown as being capable of mating with the adaptor, irrespective of whether such an adaptor is capable of connecting to other flanges which do not make up a part of the final product. Furthermore, it should be noted that, as described in the above rejection, the use of collar (30) and the threaded fasteners (40) in Floyd, Jr collectively functions as a clamping member. With respect to the rejection of claim 25, although a “system” is recited, it should be noted that, “selected ones” of the “waveguide flanges” are recited. Accordingly, such a recitation limits the claim to the selected flange of the final product, and the above rebuttal arguments (e.g. with respect to claim 9) also apply to claim 25. As for the rejection of Floyd, Jr and Saad, by applicants’ own admission, Floyd, Jr only discloses that an adaptor “includes a surface that is adapted to a particular surface of one waveguide flange”. Again, as pointed out in the preceding rebuttal, any (one) flange interface adaptor used in Floyd, Jr, includes a “common internal mating configuration” and thus a corresponding outer surface of the single adaptor in Floyd, Jr does indeed provide mating with such a configuration, thereby meeting this aspect of the claimed invention.

Claims 1, 3-8; 17, 19-24 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Claim 34; 48 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

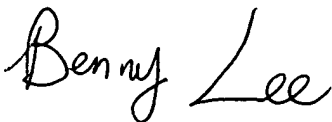
Art Unit: 2817

Claims 11, 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 14, 16; 51-55; 56 are allowable over the prior art of record.

Any inquiry concerning this communication should be directed to Benny Lee at telephone number 571 272 1764.

B. Lee


BENNY T. LEE
PRIMARY EXAMINER
ART UNIT 2817